

EXCUSE OF IGNORANCE

- JAHL/IGNORANCE AND ITS LEVELS
- TYPES OF ADHIR/THE EXCUSER
- TAKFEER OF THE ADHIR
- DIFFERENTIATING BETWEEN CLEAR STATEMENTS AND ACTIONS OF KUFR, AND BETWEEN THOSE WHICH BEAR OTHER POSSIBLE INDICATIONS AND MEANINGS, IN ORDER TO PASS A RULING

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Udthr bil jahl/Excuse of ignorance

1- Jahl/ignorance and its levels

A summary on the mas'alah of uthr bil-jahl/excuse of ignorance for the one who committed any of the nullifiers of Islam:

All Praise is [due] to Allah, Lord of the Worlds, and may the prayers and peace be upon the best of Allah's creation ﷺ, and upon his family and his faithful companions, and upon those who follow them in goodness until the Day of Gathering and ad-Deen..

As for what follows:

Regarding the mas'alah of excuse of ignorance/uthr bil- jahl, for the one who has fallen into a nullifier, generally speaking, there are those nullifiers for which there is no excuse of ignorance or ta'weel/misinterpretation if committed, and there are those for which one may be excused if he was unable to attain it's knowledge, until he attains it. There are also matters for which he is excused from the outset, due to the fact that seeking it's knowledge was not obligatory, and there may be matters for which one is excused due to the true reality of the statement or action being concealed from him.

They are explained as follows - in summary:

Firstly: what is evident by ayāt kawniyya (cosmic/natural signs), from the creation of the heavens and the earth and what is between them, which show that Allah is one, and He is the Creator, Provider, Lord of all Power, Organiser of the universe, Giver of Life and the Self- Sustaining etc.

There is no excuse of ignorance for the one who is ignorant in these matters and falls into that which contradicts this, such as denying the existence of Allah, or that He is One and Alone, or denies that He is the Creator, or that He is the Ever- Living, Self- Sustaining, the All Able- One, especially since the Revelation of the verses in Shar'ia, which strengthen that which is indicated by the ayat kawniyyah/cosmic signs..

Hence, looking into and contemplating with a sound mind, upon the ayāt Kawniyya (cosmic/natural signs) brings about this knowledge. Then how about, after divine Revelation which support this.

Secondly: that which is evidenced by Shar'i verses from the Qur'an and Sunnah. These are of two categories:

1- Knowledge which is indicated by the Shahadatān (two testimonies) and there is no excuse of ignorance in this matter for anyone who attributes himself to Islam, because the knowledge which is indicated/evidenced by the Shahadatān is the least amount of knowledge one must have, and it is the requirement for entering into Islam and is the method to become a Muslim.

So if he knows that worship to other than Allah is forbidden by it (i.e. by the shahādah), then the hujja/argument/proof is established against him, and if he doesn't know that, and his ignorance in this is proven to us, then indeed he did not enter Islam in the first place for us to expel him from it.

This is not only regarding the worship of other than Allah, but rather, it includes all that which is evidenced in the meaning of the Shahadatan, such as Allah is One, and Muhammad ﷺ is the Messenger sent by Allah to the whole of mankind, that Islam is the religion of truth and all other religions are false, and whoever claims a religion other than the religion of islam then he is upon nothing but falsehood, and that Allah has the right to be honoured, and likewise His Messenger His religion and His Revelation are to be honoured, and that it is wajib/obligatory to believe in the Prophet and to believe in his message fully and his message must be accepted fully, and that he ﷺ must be obeyed and followed in what he brought, and that the Qur'an is Allah's

message which He sent to His Messenger, and likewise the Sunnah, being a second type of message and a revelation as well etc., and other such meanings, all of which conform and are included in the meaning of Laa ilaha illallah.

There is no excuse for anyone to be ignorant in any of these matters if he committed anything which contradicts this.

Therefore, whoever:

- denies the existence of Allah.
 - or says that Allah is one of two or three.
 - or that Muhammad ﷺ is not a messenger.
 - or that Muhammad ﷺ is someone other than Muhammad bin Abdullah bin Abdul- Muttalib al-Hashimi al- Qurashi.
 - or that he is not the one who made hijra from Makkah to Madinah, rather it is another person.
 - or that he is sent only to the Arabs, or for a specific time only, or to a specific place etc., and not to the others.
 - or claims that other religions such as Judaism and Christianity are true just like Islam.
 - or claims that whoever is upon another religion other than Islam is also upon the truth and that they are believers in Allah from a different perspective
 - or he insults Allah, or His Messenger or His religion, or His message which He sent through His Messengers; namely the Qur'an and the sunnah, or ridicules or belittles them.
 - or he comes with anything which is contrary to that which honours these honourable matters.
 - or he denies this message or a messenger sent
 - or refuses to hear or accept the message of the Prophet ﷺ fully
 - or he heard and accepted the message fully, and believed in the Messenger, but he resists and turns away from the obedience of the message fully.
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- Anyone who falls into any of the above mentioned matters are kuffar/disbelievers and have no excuse of ignorance if they were sane adults(i.e. having reached puberty) who committed these actions willingly and

intentionally. This is because the hujja/proof has already been established against them by what is indicated in the meaning of the Shahadatayn.

If they were ignorant of the fact that the shahadah includes these matters in its meaning, and it has been proven so, then they did not enter Islam in the first place in order for us to expell them from it.

2- The second type of Knowledge is that which is additional to what is indicated by the Shahadatān and which is evidenced by knowledge of Shari'ah, and this is of two types:

a) Knowledge which is fardh 'ayn/obligated upon each individual, and is in addition to what is indicated in the meaning of the shahadatayn (two testimonies). This is Knowledge by which the Ibadah/worship of Allah cannot be correct without it, like someone who denies the obligation of the obligatory salahs and the existence of angels etc. This mukallaf [sane adult] is not excused with the reason of being ignorant if he fell into that which contradicts it, except for the one who is incapable of attaining knowledge even though he is able to learn in himself, and he does not have a chronic disability that prevents him from acquiring knowledge.

This is because to attain this knowledge is fardh 'ayn upon the mukallaf (i.e. a sane adult charged with shar'i obligations) from the beginning, in order for his worship of Allah to be correct. The obligation to attain this knowledge is not dropped, except if he is incapable of reaching it, as the principle of fiqh states; ('an obligation is dropped due to incapability'), (of performing it).

b) Knowledge that is mustahab/recommended, which is in addition to that from the required shar'i/Islamic knowledge, like someone who is ignorant of the command of using the siwak/tooth stick, and thus denies that this is from the deen. This person is excused at the beginning, due to ignorance, if he fell into that which contradicts it, until the hujja/argument is established against him by him attaining it's knowledge in reality, and not in ruling. This is because his ignorance here is considered (excusable) from a perspective, as in the beginning, it was not obligatory upon him to learn this type of Shar'i knowledge.

And it is for the Qādhi or Mufti to look into the evidence from his condition, (i.e. what his condition reveals). If it becomes evident to him that this knowledge was not hidden from this person, even if it was mustahab/recommended for him to attain it, due to the widespread knowledge of this in the area he is living in, then he is not excused even if he claims so.

Thirdly: ignorance of the reality of the statements and actions, which is also referred to as 'jahl al-hāl/ignorance of the real situation, like the action of Hātib (may Allah be pleased with him), because from one perspective, he was ignorant that his action had (a cause/reason) of kufr, and interpreted that this action of his would not harm the muslimen.

This type of ignorance is committed by mistake without having the intention of committing this act or statement of kufr.

From this type, is the example which has been reported in the Sahihayn, and the wording of Bukhari is: "On the authority of Anas bin Malik (may Allah be pleased with him), he said, "The Prophet (ﷺ) passed by a woman who was weeping beside a grave. He told her to fear Allah and be patient. She said to him, "Go away, for you have not been afflicted with a calamity like mine." And she did not recognize him. Then she was informed that he was the Prophet (ﷺ) . so she went to the house of the Prophet (ﷺ) and there she did not find any guard. Then she said to him, "I did not recognize you." He said, "Verily, the patience is at the first stroke of a calamity."

This woman was ignorant of the reality of the one addressing her, that he was the Prophet ﷺ. Had she known it was him and said "go away", she would have fallen into Kufr of refusal/turning away or in kufr for causing harm to the Prophet ﷺ.

2- Types of ādthir/the excuser- [generally, ādhir is the one who excuses a mushrik. (i.e. the second person)]

Differentiating between the category of those who see that ignorance is a preventative to takfeer for those who have fallen into clear explicit kufr or Shirk.

It is very important for the student of knowledge to know that there are two types of mutawaqqif, (i.e. ādhir/one who withholds takfeer), and he must be aware of the distinction between them so that he doesn't slip and mistaken :

The first type:

Whoever views jahl/ignorance as a preventative for the attachment of the name mushrik for someone who has fallen into the worship of other than Allah, from a ta'siliyya shar'i perspective of a mas'alah, (i.e. he constructed his view through evidences from text of Quran and Sunnah), without the discussion of specific individuals who have fallen into this.

This type is a mujtahid who strove to reach the ruling of a mas'alah, and his ijtiḥad was in accordance to the principles of Ahl al-Sunnah wal Jamaa'ah in dealing with and making istidlal (i.e. Deducing evidence) from the shar'i texts of Quran and Sunnah. The person of this category is one who receives between one or two rewards, but was mistaken and did not attain the correct ruling, and so his mistake is forgiven.

This is because he did not commit a nullifier just by making a mistake in ta'weel/interpretation of the texts, but he intended to reach the truth and correct conclusion with regard to the mas'alah/issue; "Is ignorance for the mu'jiz (i.e. one who is truly unable to learn) a preventative of the takfeer for those who make shirk or not?!" So he erred and did not attain the correct (ruling).

And Allah Azza Wa Jal says: {There is no blame on you for what you do by mistake, but 'only' for what you do intentionally. And Allah is All-Forgiving,

Most Merciful.} [Al- Ahzab:5]

Glory be to Him Who does not err!

The second type:

The one whose incorrect ta'seel regarding the mas'alah of uthr bil jahl lead him to withhold takfeer of a specific person, (so-and-so), who has committed clear shirk upon which there is a consensus, and he is a sane, bāligh/adult who intentionally willed what he did, and the hujja/argument has been established against this one who withheld takfeer of that particular person, and the doubt has been removed from him (by clarifying and explaining to him), and he insisted on this:

This type has fallen into the nullifier of the denial and rejection of the text (Qur'an and Sunnah), by naming a specific mushrik a Muslim, or due to him withholding takfeer of him (i.e. the mushrik). Thus, takfeer of him is made after explaining the hujja/proof to him and after removing any doubts which he may have.

This one is not like the first type, who did not deny the texts (of Quran and Sunnah), but rather interpreted them and intended to attain the truth in the ta'seel/when constructing his evidence for the the mas'alah. So he erred and was mistaken without withholding takfeer of specific mushrikeen among the people!!

I say, failure to differentiate between these two types either leads to extremism in takfeer/ghuluw and also leads to takfeer of the scholars of the Muslimeen, who do not deserve to be made takfeer of, who made ta'weel/misinterpreted texts, but were mistaken and thus, did not attain the truth in this mas'alah, such as Sheikh al-Islam Ibn Taymiyyah, Abd al-Latif Aal al-Sheikh and others, may Allah have mercy on them and forgive them!

Or it leads to one falling into innovation and irjā, as he does not declare the Kufr (disbelief) of the pagans; or has doubts about their Kufr (disbelief), or considers their madh-hab (way of life/religion) as correct or valid, (i.e. the third nullifier), such as the misguided scholars, who excuse them!

3- Takfeer of the ādhir

▪Whoever makes ta'seel*¹ due to the presence of excuse of ignorance (in a matter) is not the same as one who makes ta'seel for the permissibility of shirkiyya elections:

(*¹ Ta'seel/تأصيل: It is to construct and detail mas'alah's/matters based on evidence.)

The former (one who makes ta'seel due to excuse of ignorance), if his ta'seel conforms to the principles of Ahl-Sunnah Wal-Jama'ah, and he established (after constructing the matter based on evidence), that ignorance is a preventative barrier for the mushrik like ikrah is, but he does withhold making takfeer of a specific person who makes shirk with Allah, then this person is mistaken, and Allah (Azza Wa Jal) has forgiven this ummah for it's mistakes, and from this is the mistake when making ijtiḥād, if the ijtiḥād is in accordance to the principles of Ahl-Sunnah.

Evidence:

Allah (Azza Wa Jal) says: {There is no blame on you for what you do by mistake, but 'only' for what you do intentionally. And Allah is All-Forgiving, Most Merciful.} [Al- Ahzab:5]

And He said: {"Our Lord! Do not punish us if we forget or make a mistake."} [Baqarah:286]

It has also been reported in the Sahihayn on the authority of Amr bin 'Ās, that he heard the Messenger of Allah say:

"When a judge gives a ruling, having tried his best to decide correctly, and is right (in his decision), he will have a double reward; and when he gives a ruling having tried his best to decide correctly, and is wrong (in his decision), he will have a single reward." [Agreed upon by Bukhari and Muslim].

So a mujtahid/one making a judgement is sometimes mistaken in establishing a matter, such as ignorance, whether it is from the mawāni'/preventatives by which Allah has forbidden making takfeer of or not. He does not fall into a nullifier just by making this mistake in ta'seel, because he did not permit shirk nor allowed it, nor does he hold back in making takfeer of a specific mushrik individual whose shirk is clearly evident.

However, if after his ta'seel, he holds back in making takfeer a specific mushrik, and excuses him for ignorance and calls him a Muslim, then the hujjah/proof is established against him and the doubt and misunderstanding is removed from him (by explaining to him with evidence). If he persists and continues to withhold takfeer of the particular mushrik after it has been made clear to him, then he is a disbeliever. This is because by doing this, he changed Allah's judgment regarding a specific person who worshiped something other than Him, and named him with other than what Allah has named the one who commits the act of shirk, and the doubt in that was removed from him (by explaining) but he persisted. Thereafter he becomes a disbeliever due to falling into the nullifier which is based upon a consensus/Ijmā', i.e., not making takfeer of the mushrikeen, or doubting their disbelief on the basis of a invalid/corrupt suspicion and doubt.

As for the one who makes ta'seel for permitting elections, then he has fallen into shirk just by making this ta'seel because he has allowed and aided others to permit a clear action of kufr and Shirk by calling the people towards elections and permitting it on the pretext of minimizing evil and choosing a lesser of two evils, while in fact falling into the aiding of kufr and Shirk is the greatest evil which are not alike.

The reason being that the interpretation of permitting elections, in reality, made him fall into permitting the aiding of shirk.

It is well known that the one whose ijtiḥad and interpretation of the evidence leads to the occurrence of one of the nullifiers of Islam becomes a disbeliever, and this ta'wil and ijtiḥad is not a mawāni/a preventative barrier of his disbelief.

Thereafter:

1- If his ta'weel was mustasāgh (credible and acceptable according to Shari'a) then takfeer is made on him after explaining and clarifying to him the matter.

2- If his ta'weel and use of principles is fāsid/corrupt/invalid, then takfeer is made upon him immediately.

And even if the evidence used in permitting elections is mustasāgh, (i.e. has a form of ta'weel linguistically or otherwise), and even if he doesn't call towards a particular election in a particular country, (i.e. the matter doesn't depend on which area he has called towards election), because just by these weak doubtful evidences, he has invited the people to participate in shirkiyya elections, and this is kufr.

He is not like the one whose ijtiḥad and ta'seel remained within belief of the texts of Quran and sunnah, as is the case of the one who makes ijtiḥād and makes ignorance a valid preventative (of takfeer) and remained in the field of ta'seel shar'i, as we mentioned at the beginning of the article regarding the one whose ta'seel did not cause him to pass the ruling of kufr on a particular individual because of having uthr bil jahl (excuse of ignorance) for the one who made shirk with Allah. This category falls into kufr after explanation and clarity, due to the saying of Allah Azza Wa Jal: {And Allāh would not let a people stray after He has guided them until He makes clear to them what they should avoid. Indeed, Allāh is Knowing of all things.} (Tawbah:115)

And Allah is Most superior and knows best

4- Differentiating between clear statements and actions of kufr, and between those which bear other possible indications and meanings, in order to pass a ruling:

All Praise is [due] to Allah, Lord of the Worlds, and may the prayers and peace be upon the best of Allah's creation ﷺ, and upon his family and his faithful companions, and upon those who follow them in goodness until the Day of Gathering and ad-Deen..

There's is a difference between the ruling of the one whose statement or action is a clear sign (of kufr), and between that which have (other) potential meanings and indications.

Regarding masā'il of statements and actions which specifically indicate to kufr or the nullifiers, then these statements and actions in terms of it's reason or cause of kufr, are of two types:

1- Firstly, statements and actions which clearly indicate to kufr (also known as Qat'i proof).

This is that which has a clear cause of kufr within the statement or action itself, which does not have any other possible indication other than this kufr itself.

Such as insulting Allah, or the religion, or the messenger, desecrating/putting impurities on the mus'haf/Qur'an, the killing of messengers, prostration to idols, performing magic, seeking judgement from the taghūt, and ruling by the taghūt, etc.

Regarding the one who commits or utters the statement (of kufr), we sever the (searching of intention) for the cause of kufr (in this world), if he commits it, and we pass the ruling of kufr upon the specific individual who committed such an action, if there is no valid shar'i preventative which prevents us from making takfeer on him.

2- Secondly, statements and actions which bear possible indications of kufr (dhanni proof/speculative indications):

These are statements or actions which have possible indications of the cause of kufr or nullifiers. So it is possible that it indicates to a cause or reason of kufr, but also indicates to meanings other than that of kufr.

Regarding these type of statements and actions, there are other possible indications/meanings of kufr. Therefore, we are not certain (of the intended meaning) due to the presence of other possible meanings indicated by the statement or the action, except after looking into the intention of the one who committed it, by asking him the intention and knowing his reason while taking into consideration what his personal condition reveals, and the customary usage (of the term) regarding the one who uttered it, if it was a statement.

That is so that we find out which of the possible meanings the one who did such an action intended, so that we pass the ruling upon him according to what he intended..

Some examples of this type are the following:

1- The term “Râ’ina!” [Herd us!], which was said to the Prophet ﷺ by muslims with the (intended) meaning being, 'listen to us', and the Jews used the same word to the prophet in the sense of (being reckless/thoughtless), with the intent of insulting and cursing him, which is an insulting attack to the religion of Allah.

Allah (Azza Wa Jal) said: {Some Jews take words out of context and say, “We listen and we disobey,” “Hear! May you never hear,” and “Râ’ina!” [Herd us!]
—playing with words and discrediting the faith. Had they said ‘courteously’, “We hear and obey,” “Listen to us,” and “Unẓurna,” [Tend to us!] it would have been better for them and more proper. Allah has condemned them for their disbelief, so they do not believe except for a few.} [4:46]

So Allah (Azza Wa Jal) prohibited the Muslims from saying this word to the

prophet ﷺ, so not to give the Jews a way to insult the prophet ﷺ.

Allah (Azza Wa Jal) said: {O believers! Do not say, “Râ’ina.” [Herd us!] But say, “Unẓurna,” [Tend to us!] and listen ‘attentively’. And the disbelievers will suffer a painful punishment.} [2:104]

So the word “Râ’ina” bears both meanings. Hence, those who said it to the prophet ﷺ with the permissible meaning, before they were prohibited- were believers, and those who said it with the other meaning which bears the meaning of abuse and insult, increased their level in further kufr, and they were the Jews."

Therefore, when the believers said this word to the Prophet ﷺ, it was not kufr, because their intention and purpose was not the same as that of what the Jews had intended by the same word.

So, the determining factor which differentiated the hukm/ruling between the believers and Jews, was the intention and purpose of those who used it, because the word indicated other meanings, and it was not considered kufr/blasphemy except in the case of those who said it with the purpose of insult and abuse to the Prophet ﷺ, as did the Jews.

2- It has been narrated in Sahih al-Bukhari and others, on the authority of Ibn'Umar (may Allah be pleased with them) said: "The Prophet sent Khalid bin al-Walid to Bani Jadhima and he summoned them to accept Islam. When they did not express their acceptance of Islam properly but began to say saba'nā saba'nā (i.e. “We have changed our religion) Khalid began to kill them and take prisoners, and he handed a prisoner to each one of us. But when a day came when Khalid ordered each of us to kill his prisoner, I said, “I swear by Allah that I will not kill my prisoner and that not one of my companions will kill his prisoner till we come to the Prophet.” When we mentioned the matter to him he raised his hands and said twice, “O Allah, I declare myself innocent in your sight of what Khalid has done,” twice".

So, Bani Jadhima, who were a tribe from the Arabs, wanted to enter Islam, and they said the word “Saba’na”, which meant, according to their custom and intention, that they had left their religion and entered into the religion of Islam ..

But, because the word “Saba’nā”, had other possible meanings, and from its meaning, it implies the religion of the Sabians, who were a sect of Jews and Christians who worshipped angels or stars and planets ..thus, it indicated to kufr and shirk..

Khalid, (may Allah be pleased with him), who was one of the Quraysh, and this (word) was (used) on their tongues and in their custom in speech - but he understood it to mean kufr, and thus took the action of killing and capturing them without giving any consideration to their intention and purpose and of the meaning it had in their custom, nor of what they intended by this word which had other possible meanings. That is why the Prophet ﷺ disapproved of him and declared himself innocent (i.e. dissociated himself) from his action.

The point of evidence from this (hadith) is the disapproval from the Prophet ﷺ of Khalid's (may Allah be pleased with him) action, which means that statements and actions of the people have other possible indications, which hold rulings depending on the purpose and intent of the one who says it, and according to the custom of its usage, and not in the custom of the one who hears and understands it, that being, if the word in his custom is used contrary to the (custom) of the one who said it.

Ibn Hajar stated in (‘Fath Al -Bari’), when explaining this hadith; "His saying, “O Allah, I declare myself innocent of what Khalid has done."

Al -Khattabi said: "He disapproved of him being hasty and that he didn’t verify what they meant by their saying, “Saba’na”. [End of quote]

It has also been reported in (Hāshiyya as-Sanadi 'alā sunan an-Nisāi), when commenting on the same hadith, "'saba'nā', meaning we left the religion of our forefathers and have entered the religion we are being called towards, and they intended by it, to enter Islam, because the disbelievers at that time used

to call the Muslims 'sābi', but because the word was not clear in Islam, khālīd permitted their killing." [End of quote]

3- Burning the mus'haf/Qur'an, which is an act that bears two possible indications:

a) Either he burnt it to preserve and maintain it like the one who finds a Mus'haf that is missing many pages, so he burns it, or like what 'Uthman ibn Affan did when he gathered the Masāhif (plural of one mus'haf), and burnt all of them except one, as it was narrated in al- Bukhari by Anas ibn Malik -May Allah be pleased with him.

b) Or he burnt it because of disrespect and to belittle it, and this is clear and explicit kufr.

So, both individuals burnt the mus'haf- one who did it due to maintaining its greatness and worth and (the other) because of disrespect, but the difference between them is their intention and purpose, combined with (observation) of what his condition reveals during this act.

Therefore, we cannot rule him with kufr, except that we first ask regarding their intention and purpose of the act (burning the Quran), with observation of what his condition reveals, which clarifies whether he is truthful or not.

4 - A man stands near a grave with his hands raised in supplication/du'aa, and we see him from a distance, but are unable to hear his supplication:

Now, the action of this man has many possible indications which are not clear, so we cannot pass the ruling (of kufr) upon him, except by hearing what he said, or by asking him after we found he finished the supplication, as to what he was doing. We cannot pass a ruling (of kufr) upon him just because of his standing near the grave making supplication, because his action bears three

possibilities:

a) He may be asking Allah to have mercy on the person in the grave and to forgive him.. and this is a rewardable deed for following the Sunnah in supplication for the dead Muslim.

b) Or he may have been calling out to Allah alone, but near the grave because he thought that if he supplicates near a grave, it would will be accepted.. and this is an innovator (mubtadi') who committed a muharram/forbidden bid'ah and has fallen into major sin, but not kufr.

c) Or he was supplicating to the person in the grave in something which no one is supplicated to except Allah, and this one is a mushrik kafir.

Even until now, the scholars (may Allah have mercy on them) continue in agreement of this great principle, regarding the mas'alah of ruling by statements and actions and those who commit them, and their differentiating between that which have clear and explicit signs and indications, and between that which bear other possible indications. They would not pass rulings upon the one who comes with something (an action or statement) which has other possible indications, except after looking into his intention and purpose for the action or statement which bears other possibilities, whether in matters of kufr and Iman, or matters of contracts, vows, divorce, manumission and other issues of rulings.

The following are some of their statements:

1- Imam Ash-Shafi'i mentioned in (al-Umm/297/7): "The (approved) statement, regarding that which bears something other than what is apparent, is his statement (i.e. the one who uttered it.)

2- Al- Qādhi Shahāb ad-din al- Qurāfi said in his book al-Furūq (195/2), "Everything which has an obvious apparent (meaning) is taken as the apparent, except when a conflicting (meaning) arises, or if a rājih/selected dominant

correct meaning for that apparent (is present), and everything which does not have an obvious (meaning), then another possible (meaning) cannot be dominated over it, except with a rājih shar'i, (meaning)" (i.e. unless another selected correct opinion in Shar'ia is given). [End of quote]

And the rājih shar'i (meaning) in the right of the one who said a statement or performed an action which indicates other possible meanings is: to look into and verify his aim, purpose and intention of this (action) which bears other possible meanings, as it has been evidenced in the hadith mentioned previously, in the story of Bani Jadthima, and the disapproval from the Prophet ﷺ of Khalids' killing and capturing them without clarifying their intention and purpose of the word "Saba'naa, which is a word with another possible meaning.

3- An-Nawawi mentioned in al-majmoo' (49/1) in what he reported from as-Saymiri and Khateeb: "And if he is asked (i.e. the mufti) about someone who said such and such a statement which bears other possible meanings which are not kufr, then it is upon the Mufti to say; "This one must be asked what he intended of the statement he uttered, and if he intended such and such, then the response is such, and if he intended such and such, then the response is such." [End of quote] (i.e. the verdict of the qādhī/judge is dependent upon what the person intended if the statement or action has more than one possible meaning).

4- Shaykh al-Islam Ibn Taymiyyah was asked regarding the one who curses the honourable one of the Ahl Al-Bayt by saying, "May Allah curse him, and the one who honoured him." He, (may Allah have mercy on him) answered in majmoo' al- fatawa (39/531): "This statement on its own is not a clear insult for which the person must be killed, but rather, we enquire about the part of the statement; ("the one who honoured him"). If it has been proven, after enquiry, or from what his condition reveals or from his words, that he intended to curse the Prophet ﷺ, then he must be killed, and if this is not proven.." - until his quote- "..then he cannot be killed by the agreement of the scholars." [End of quote]

5- Ibn al- Qayim stated in A'lām al-mawqi'een (228/4) while discussing the rulings of the muftis: "He is not allowed to give a fatwa regarding statements, oaths, wills/bequeaths and other such matters which relate to a word which he himself has grown accustomed to (i.e. he understands a word with a particular meaning according to his customary usage of it), without knowing its customary usage by the people of that area (for who he issues a fatwa) and their usage of this during speech, and so he (must accept) the meaning it bears according to what they know and are accustomed to (of this word), even if it is contrary to the reality and original (meaning) of the word. And when he does not do so (as stated), he will stray and lead astray." [End of quote]

To summarise:

If the mukallaf (sane adult) says a statement or performs an action, which contains explicit and clear indications of kufr, then we pass the ruling of kufr upon him, that is if the apparent conditions of takfeer are present and there are no apparent preventatives - without enquiring into his intention and purpose - as the murji'a do when passing rulings on someone who comes with (actions or statements) with clear and explicit indications and signs of kufr, which bear no other possible indications. So they set conditions that one must know the intention and purpose (for explicit kufr).. from this we declare our innocence/disassociate ourselves before Allah.

As for the one who came with actions and statements which bears more than one meaning and indication, then no doubt, before passing any ruling on him, we must know his intention and purpose (of the act), by asking him while observing what his condition reveals. This is so we can verify which of the possible meanings he intended, thereafter we rule him according to what he intended of that act.

So the difference between us and the murji'a is - as previously mentioned- is that we do not set conditions of knowing the intention and purpose of a matter which has clear and explicit indications (of kufr) prior to making takfeer, while the murji'a set these conditions."

والله أعلم

حفظه الله Penned by Shaykh Abu Bara'a as-Sayf

الحمد لله الذي بنعمته تتم الصالحات